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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,495

Applicant(s)

KAHANA, MORDECHAI

Examiner

Richard C Weisberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,9,10,12 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4,9-10,12,19-20,26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Newly submitted claims 21-25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the method has a different effect from that of claim 1.
2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-25 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,4,9-10,12,19-25 rejected under 35 U.S.C. 102(b) as being anticipated by Automotive News, Digest.

The prior art teaches an internet based auto auction. The examiner interprets a buy request to be a bid or any other indication of interest for a vehicle. The examiner interprets a kiosk to be any user terminal. The examiner takes official notice that rental car companies routinely use the auction of the prior art to sell their rental fleet. The examiner takes official notice that internet auctions routinely include search requests.

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As to the limitation, the automobiles available for rental while listed, the examiner interprets the limitation – available – broadly. Thus, because the title to the automobiles have not been transferred prior to the auction, the automobiles are legally available for rental.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Respectfully

By 

Richard Weisberger

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What is Claimed

1. A method for selling marketable assets
5 comprising:
storing a listing of re-sellable assets owned by
a third-party asset owner on a secure computer;
sending a subset of the listing to a client
computer based on a search inquiry; and
10 receiving a buy request for at least one of the
assets from the client computer.
2. The method of Claim 1, wherein the step of
receiving a buy request comprises receiving a bid in
15 an auction from the client computer.
3. The method of Claim 1, wherein the re-
sellable asset is a motor vehicle.
- 20 4. The method of Claim 1, wherein the step of
sending a subset of the listing comprises sending a
subset of the listing to a kiosk.
- 25 5. The method of Claim 1, wherein the step of
storing a listing comprises storing a listing of off-
lease assets owned by a third party lessor.

6. The method of Claim 1, wherein the step of storing a listing comprises storing a listing of current rentable rental assets owned by a rental company.

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7. The method of Claim 1, wherein the step of storing a listing comprises storing a listing of leased assets prior to the expiration of the lease.

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8. The method of Claim 1, wherein the step of sending a subset of the listing comprises sending a subset of the listings based on a search inquiry to a retail consumer operating a client computer.

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9. A system for selling marketable assets comprising:

a server operable to:

store a listing of re-sellable assets owned by a third-party asset owner;

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send a subset of the listing to a client computer based on a search inquiry; and

receive a buy request for at least one of the re-sellable assets from the client computer.

25

10. The system of Claim 9, wherein the buy request is a bid in an auction from the client computer.

11. The system of Claim 9, wherein the re-sellable asset is a motor vehicle.

12. The system of Claim 9, wherein the client
5 computer is a kiosk.

13. The system of Claim 12, wherein the kiosk is located at an asset owner's business location.

10 14. The system of Claim 9, wherein the listing of re-sellable assets are downloaded to the kiosk, the kiosk operable to allow searches of the listing stored on the kiosk.

15 15. The system of Claim 9, wherein the re-sellable assets are off-lease assets owned by a third party asset owner.

20 16. The system of Claim 9, wherein the re-sellable assets are currently rentable rental assets owned by a rental company.

25 17. The system of Claim 9, wherein the re-sellable assets are leased assets near the end of a lease term.

18. The system of Claim 9, wherein a user of the client computer is a retail consumer.